

AGENDA



- Committee - **PLANNING COMMITTEE**
- Date & Time - Wednesday, 16 January 2019 at 6.30 pm
- Venue - Council Chamber, Council Offices, Priory Road, Spalding

Membership of the Planning Committee:

Councillors: B Alcock, D Ashby, J Avery (Vice-Chairman), C J T H Brewis, P E Coupland, H Drury, L J Eldridge, R Gambba-Jones (Chairman), R Grocock, C J Lawton, J L Reynolds, M D Seymour, A C Tennant, J Tyrrell and P A Williams

Substitute Members of the Planning Committee

Any member may sit on the pool of substitutes for the Planning Committee provided they receive training every 12 months as approved by the Council (minute 290(c)/05 refers). Substitutions are for individual meetings only.

Quorum: 5

Persons attending the meeting are requested to turn their mobile telephones to silent mode

Democratic Services
Council Offices, Priory Road
Spalding, Lincs PE11 2XE

Date: 8 January 2019

AGENDA

1. Apologies for absence.
2. Minutes - To sign as a correct record the minutes of the meeting held on 19 December 2018 (copy enclosed). (Pages 3 - 10)
3. Declaration of Interests. - (Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.)
4. Questions asked under the Council's Constitution (Standing Orders).
5. H11-0936-18 - Outline application for a residential development of 6 affordable housing units at St James Road, Long Sutton, Spalding (Report of the Development Manager enclosed). (Pages 11 - 18)
6. H14-1158-18 - Full application for the construction of industrial units and trailer storage/parking along with the associated access at Stephenson Avenue, Pinchbeck, Spalding (Report of the Development Manager enclosed). (Pages 19 - 26)
7. H16-0930-18 - Full application for change of use to B1, B2 and B8 at 344 Bourne Road, Pode Hole, Spalding (Report of the Development Manager enclosed). (Pages 27 - 32)
8. H16-1213-18 - Full application for part change of use from B1 to D1 at Short Street Depot, Unit B, Short Street, Spalding (Report of the Development Manager enclosed). (Pages 33 - 38)
9. Planning Updates.
10. Any other items which the Chairman decides are urgent. -

Note: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

Minutes of a meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 19 December 2018 at 6.30 pm.

PRESENT

R Gamba-Jones (Chairman)
J Avery (Vice-Chairman)

B Alcock
D Ashby
P E Coupland
H Drury

R Grocock
J L Reynolds
A C Tennant
J Tyrrell

P A Williams
J R Astill
A Casson

In Attendance: Principal Planning Officer, Development Manager, Planning and Building Control Manager, Senior Planning Lawyer and Democratic Services Officer

Apologies for absence were received from or on behalf of Councillors C J T H Brewis, L J Eldridge, C J Lawton and M D Seymour

76. **MINUTES**

Consideration was given to the minutes of the previous meeting of the Planning Committee Held on 14 November 2018.

AGREED

That the minutes be signed as a correct record

77. **DECLARATION OF INTERESTS.**

Councillor Alcock had no Designated Pecuniary Interest, but in the interest of transparency declared that, in relation to agenda item 5, he was a member of the Parish Council that represented the area in which the proposed development was situated.

78. **QUESTIONS ASKED UNDER THE COUNCIL'S CONSTITUTION (STANDING ORDERS).**

There were none

79. **H02-0673-18**

Planning No. and Applicant
H02-0673-18 Ashwood Homes

Proposal
Full application for the erection of 47 dwellings with associated garaging, roads and sewers at the land off Crease Drove, Crowland

**PLANNING COMMITTEE - 19 December
2018**

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

That permission be granted subject to the applicant entering into a Section 106 agreement for the provision of 7 affordable housing units and financial contributions of £122,633 towards open space and recreation provision for children and young people in Crowland and £14,734 towards secondary education provision at The Deepings School and those Conditions listed at Section 9.0 of the report.

(Moved by Councillor Grocock, Seconded by Councillor Avery)

80. **H14-0720-18**

Planning No. and Applicant

H14-0720-18 Mr M J Preston & Mrs C L Tidswell

Proposal

Outline application for a proposed residential development of up to 96 dwellings at the land off Wardentree Lane, Pinchbeck, Spalding

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

Authorised to Grant Permission, subject to the applicant entering into a Section 106 agreement relating to the provision of affordable housing, financial contributions to education and health, and those conditions listed at Section 9.0 of this report, in addition to the following amendments;

- Condition 1 time periods to be reduced from three years to two and two years to one.

**PLANNING COMMITTEE - 19 December
2018**

- Condition 7 to be reworded to “Before the commencement of development hereby permitted, where the layout for the approval of reserved matters includes any areas of incidental open space, refuse/recycling collection points and parking courts/private drives, details of the landscape management and maintenance schedule for these areas, shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.”
- Condition 9 parts ii) and iii) to be deleted as the Environment Agency confirmed these measures are not required due to the finished floor levels being set at 3.4 m Above Ordnance Datum (AOD).
- Condition 17 to be deleted as a scheme of archaeological investigation has been submitted as part of the application.
- Conditions 18 and 19 to be reworded to reflect the deletion of condition 17.
- A further informative to be added regarding Environmental Services’ comments with regard to refuse/recycling collection.

(Moved by Councillor Astill, Seconded by Councillor Drury)

Oral representations were received in respect of the above application in accordance with the Council’s scheme of public speaking at Planning Committee meetings:

Supporter – Michael Braithwaite (Agent)

81. **H01-0871-18**

Planning No. and Applicant

H01-0871-18 Messrs N & D Bacon &
Mr B M Drury

Proposal

Outline application for a residential development – up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road Junction at former Station Yard & Croft House Nursery, Mill Drove South, Cowbit

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

**PLANNING COMMITTEE - 19 December
2018**

That Planning Permission be granted, subject to the applicant entering into a Section 106 agreement for the provision of 25% on-site affordable housing and financial contributions towards education and healthcare, and those Conditions listed at Section 9.0 of the report.

(Moved by Councillor Grocock, Seconded by Councillor Drury)

Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Supporter – Lee Russell (Agent)

82. **H22-0754-18**

Planning No. and Applicant
H22-0754-18 Mr & Mrs Biehler

Proposal
Outline application for a residential development for 51 dwellings at 163-183 High Road, Weston, Spalding

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

That planning permission be granted, subject to the applicant entering into a Section 106 agreement relating to the provision of affordable housing and a financial contribution to cater for extra NHS capacity, and those conditions listed at Section 9.0 of the report.

(Moved by Councillor Grocock, Seconded by Councillor Casson)

83. **H16-0423-18**

Planning No. and Applicant
H16-0423-18 Mr C Bond

Proposal
Full application for a replacement dwelling following permission for demolition of existing dwelling at 11 Tower Lane, Spalding.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

**PLANNING COMMITTEE - 19 December
2018**

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

That planning permission be granted, subject to the conditions listed at Section 9.0 of the report

(Moved by Councillor Drury, Seconded by Councillor Tyrrell)

84. H14-0578-18

Planning No. and Applicant

H14-0578-18 Monograms Rentals Ltd

Proposal

Full application for the demolition of garage block and erection of two-storey dwelling at the land adjacent to 33 Knight Street, Pinchbeck, Spalding.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

That planning permission be granted subject to amendments to conditions. Condition 7 to have "Notwithstanding the submitted details" added, Condition 10 to refer to the Town and Country Planning (General Permitted Development) Order 2015 and a further additional condition requiring the car port to be retained as such, and not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage, without the grant of further specific planning permission from the Local Planning Authority.

(Moved by Councillor Drury, Seconded by Councillor Grocock)

Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Supporter – Mr J Bowser (applicant)

**PLANNING COMMITTEE - 19 December
2018**

85. H20-1052-18

Planning No. and Applicant

H20-1052-18 Mr & Mrs P Stubley

Proposal

Full application for a residential development –
erection of 4 dwellings off Chapel gate, Sutton St
James, Spalding

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which had previously been circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. The debate was not repeated here as Planning Committee meetings were webcast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

AGREED

That planning permission be granted, subject to those conditions listed at Section 9.0 of this report.

(Moved by Councillor Astill, Seconded by Councillor Tyrrell)

86. PLANNING UPDATES

There were none

87. SOUTH HOLLAND BROWNFIELD LAND REGISTER

Consideration was given to the report of the Portfolio Holder for Growth and the Portfolio Holder for Place which sought to inform Members of the update to the South Holland District Brownfield Land Register, which will be published on the Council's website.

AGREED

That the South Holland Brownfield Land Register 2018 is approved for publication.

88. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.

There were none.

89. COMMITTEE ARRANGEMENTS

**PLANNING COMMITTEE - 19 December
2018**

The Chairman of the Planning Committee invited members to vote on the proposed arrangement to hold further meetings of the Planning Committee during the day for a trial period of up to May 2019.

The Chairman asked that the present substitutes refrain from voting, leaving the vote to only standing members. In view of this, the Chairman had gathered the opinions of all of the standing members who could not attend this meeting. Out of 4 members who were not in attendance, 2 were in favour of the proposal, and 2 were against the proposal.

Members stated that they felt that the parking provision would be difficult for members of the public during office hours. In addition, they felt that the majority of the public work during the daytime and therefore would find it hard to attend.

The Chairman stated that he felt the move to daytime meetings would satisfy a greater quality of debate as it would allow case officers to be present

AGREED

That no change be made and the current arrangements be retained.

(The meeting ended at 9.12 pm)

(End of minutes)

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Agenda Item 5.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 16 January 2019

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H11-0936-18

Application Number: H11-0936-18

Date Received: 21 September 2018

Application Type: OUTLINE

Description: Residential development - 6 affordable housing units

Location: St James Road Long Sutton Spalding

Applicant: Proctor Bros Ltd

Agent: G R Merchant Ltd

Ward: Long Sutton

Ward Councillors: Cllr A C Tennant
Cllr J Tyrrell
Cllr L J Eldridge

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0936-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by the Planning Committee.

2.0 PROPOSAL

2.1 Outline planning permission is sought for affordable housing, with all matters reserved for subsequent approval. The application is accompanied by an indicative layout plan showing 3 pairs of 2/3 bedroom semi-detached dwellings.

3.0 SITE DESCRIPTION

3.1 The site (some 0.28ha) is situated on the northern side of St James Road opposite Silverwood Garden Centre. It is currently grassed and has a number of trees, plus hedging, along its frontage.

3.2 A detached bungalow is situated to the north-east (no. 6) and vacant industrial premises to the south-west. It is understood that the latter has previously been used as a boat yard and a coal/haulage yard prior to that. It received planning permission for use as a carpentry business (reference H11-0313-07) in 2007, but it is not known whether this was implemented.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1 - General Sustainable Development
Policy SG2 - Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG4 - Development in the Countryside
Policy SG12 - Sewerage and Development
Policy SG13 - Pollution and Contamination
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development; Facilities for Road Users, Pedestrians and Cyclists
Policy SG16 - Parking Standards in New Development
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS7 -- New Housing in the Open Countryside including Other Rural Settlements
Policy HS 9 - Rural Exceptions

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2018

Sections 2, 4, 5, 9, 11, 12, 14 and 15.

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

- 5.1 H11-1100-15 - Outline - Residential development (4 dwellings), St James Road, Long Sutton - Refused - 20 January 2016 on sustainability and highway safety grounds.

Neighbouring Site to the West

H11-0313-07 - Full - Change of use to carpentry business - Granted.

Condition 2 - Use restricted to Class B2 (General Industrial)

Condition 3 - No manufacturing activity and loading/unloading shall be carried outside 7.30am and 5pm on Mondays to Fridays (inclusive) and 7.30am to 12 noon on Saturdays

Condition 4 - Noise from any fixed plant on or within the building shall exceed a level equivalent to 35db LA eq (15 minutes) when measured at a height of 1.5 metres at any residential facade unassociated with the site.

Condition 7 - Dust prevention measures.

6.0 REPRESENTATIONS

- 6.1 Long Sutton Parish Council

No response.

- 6.2 LCC Highways/SUDS

No objections.

6.3 South Holland Internal Drainage Board

Surface water comments.

6.4 Environment Agency

No objections subject to finished floor levels being 300mm above St James Road carriageway.

6.5 Housing Strategy

We received a query back in 2016 about this site and whether it would be suitable for affordable housing. The response at the time was that it was too far from all of the local amenities and do not see that this position has changed. Hopefully we can move away from this notion that if it's not suitable for market housing due to an unsustainable location then affordable will be ok. If anything affordable housing needs to be in even more sustainable locations than the market.

6.6 SHDC Environmental Protection

Request contaminated land note.

6.7 LCC Archaeology

No archaeological impact.

6.8 Public

No comments received.

7.0 MATERIAL CONSIDERATIONS

7.1 The main issues in this case are:

- Whether the site is a suitable location for affordable housing;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and contamination.

7.2 Housing Policy/Sustainability

7.3 As indicated in Paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.4 The site is located outside Sutton St James Development Boundary as defined in the South Holland Local Plan, 2006. Policy HS7 indicates that new residential development is normally only allowed in such locations if it is proven essential to meet the needs of rural workers, or the proposal is for small scale rural exception affordable housing that complies with Local Plan Policy HS9. Neither is applicable in this case.

7.5 Policy HS9 of the South Holland Local Plan relates to exception rural housing. It states that on rural sites not identified in the Local Plan, affordable housing to meet local needs may be exceptionally permitted. Proposed "exceptions site" development must:

- 1) Meet an identified local need and be of an acceptable size;
- 2) Be subject to an agreement which ensures that it remains as affordable housing for local people and for second subsequent owner/occupiers, and;
- 3) Be in scale and character with the settlement in which it is to be located.

The Policy also stresses that the sustainability of proposals should be critically assessed with reference to our settlement services and facilities survey and spatial strategy.

7.6 Paragraph 77 of the Framework stresses that in rural areas, local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing

to meet identified local needs. Paragraph 78 indicates that sustainable rural housing should be promoted.

- 7.7 Having regard to the above policies and advice within the Framework there is a presumption in favour of sustainable affordable housing development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.
- 7.8 An Economic Role - The proposal would contribute towards housing supply and future occupants may work locally, support local services and make a contribution to the local economy. There would also be employment opportunities associated with the construction, albeit in the short term.
- 7.9 A Social Role - The proposal would make a contribution to the supply of affordable housing required to meet the needs of present and future generations. However, the site is well removed from the centre of Long Sutton and is located on the opposite side of the A17. It is not located on a main public transport route. It fronts a section of St James Road where there are no footways and street lighting is poor. There is no continuous footway link into Long Sutton. Consequently, occupiers of the proposed dwellings would have to walk along St James Road and cross the busy A17 to access the services and facilities within the town. In that sense, it is considered that the location is not sustainable in the context of national and local guidance.
- 7.10 An Environmental Role - Due to the site's distance from local services and facilities and the difficulty of having to negotiate the A17 future occupiers would be likely to have a high dependence on the use of motor vehicles which, no matter the distance of travel involved, would be contrary to one of the core planning principles of the Framework to make the fullest use of public transport. Moreover, the reliance on the motor car would increase carbon emissions, contrary to the requirements of the environmental role of planning.
- 7.11 The site is essentially a gap between existing frontage development along the north-western side of St James Road. The proposal does not technically meet the definition of infill within the South Holland Local Plan; namely, "an area which can accommodate one or two dwellings in an otherwise continuously built-up frontage". Nevertheless, it is considered that the site could be developed without materially harming the character/appearance of the rural locality. This is subject to retention of the existing frontage trees and hedging, as far as possible.
- 7.12 Residential Amenity
- 7.13 It is considered that the site could be satisfactorily developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.
- 7.14 Commercial premises are situated to the south-west. Given this fact, 1.8 metre high closeboarded fencing is recommended along the western boundary to protect the amenity of future occupiers if permission is forthcoming. The property on Plot 1 should have no noise sensitive windows on its south-western elevation.
- 7.15 Highway Issues
- The County Highways Authority has raised no objections to this application on highway safety grounds.
- 7.16 Other Matters
- 7.17 Flood Risk - The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. The latter have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is, therefore, necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk

Assessment (2017) as a basis to apply the sequential test.

- 7.18 In this respect, the site is within an area designated as "Danger for Some". There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding.
- 7.19 Drainage - The applicant is proposing soakaways for surface water disposal. The South Holland Internal Drainage Board has requested that percolation tests be carried out to define if a soakaway system is suitable. If the results prove that the ground is insufficient for a soakaway, then the applicant will need to confirm an alternative method for the proposed development. Both foul and surface water drainage could be addressed by means of a condition if permission was forthcoming.
- 7.20 Contamination - Environmental Protection has requested that a note be applied to any planning permission relating to unexpected contamination.
- 7.21 Conclusion
- 7.22 Although the proposal is deliverable and would help to provide the supply of affordable housing required to meet the needs of present and future generations this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental factors. The site is poorly related to the existing settlement of Long Sutton, being on the opposite side of the A17, and is some distance from existing services and facilities. Future occupiers would have to negotiate St James Road, which has no footway and is poorly lit, and also the heavily trafficked A17 to access local services on foot or by cycle. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions, contrary to the requirements of the environmental role of planning.
- 7.23 The site is not, therefore, considered to be a suitable site for affordable housing with particular regards to the principles of sustainable development.
- 7.24 Moreover, the site is within an area designated as "Danger for Some" in flood risk terms. There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding.

8.0 RECOMMENDATIONS

8.1 Refuse Permission

9.0 REASONS FOR REFUSAL

1. Although the proposal is deliverable and would help to provide the supply of affordable housing required to meet the needs of present and future generations this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental factors. The site is poorly related to the existing settlement of Long Sutton, being on the opposite side of the A17, and is some distance from existing services and facilities. Future occupiers would have to negotiate St James Road, which has no footway and is poorly lit, and also the heavily trafficked A17 to access local services on foot or by cycle. As a consequence, future occupiers would be likely to have a high dependence on the use of motor vehicles, which would increase carbon emissions, contrary to the requirements of the environmental role of planning.

The site is not therefore considered to be a suitable site for affordable housing with particular regards to the principles of sustainable development. It is contrary to Policies SG1 and SG2 of the South Holland Local Plan and Paragraphs 7, 8 and 11 of the National Planning Policy Framework, 2018.

2. The site is located within an area identified as "Danger for Some" within the South Holland Strategic Flood Risk Assessment (2017), which is used as a basis to apply the sequential test in terms of flood risk. There are alternative sites appropriate for the proposed development that are reasonably available, more sustainable and which are located in areas with a lower risk of flooding. The proposal therefore conflicts with advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2018.

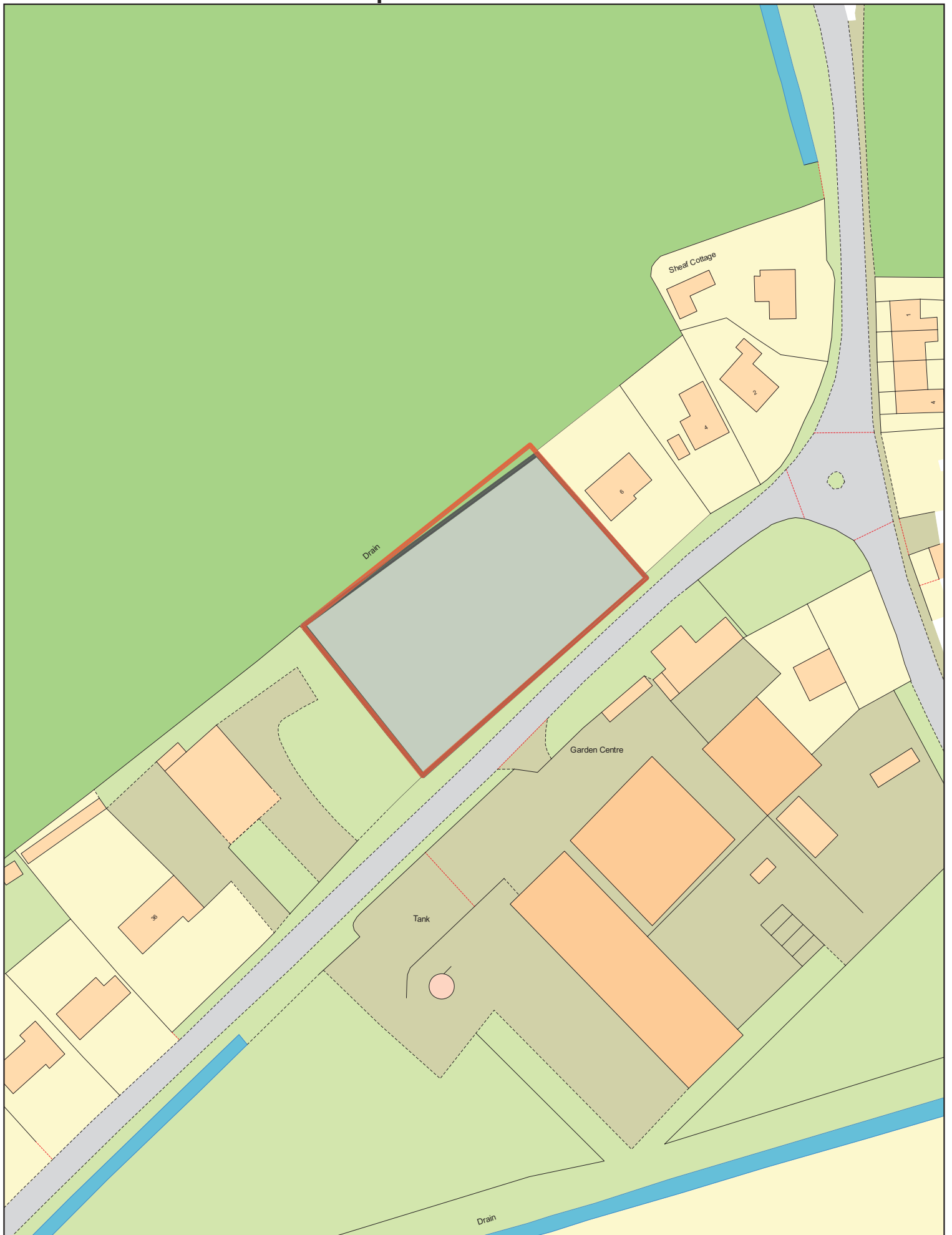
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A



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SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 16 January 2019

(Author: Lucy Buttery - Senior Planning Officer)

Purpose: To consider Planning Application H14-1158-18

Application Number: H14-1158-18

Date Received: 20 November 2018

Application Type: FULL

Description: Construction of industrial units, lorry and trailer storage/parking along with the associated access

Location: Stephenson Avenue Pinchbeck Spalding

Applicant: Brooks Spalding

Agent: Green 2k Design Limited

Ward: Pinchbeck and Surfleet

Ward Councillors: Cllr S A Slade
Cllr J Avery
Cllr E J Sneath

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H14-1158-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The wife of the applicant is a District Council employee.

2.0 PROPOSAL

2.1 This is a full planning application for the construction of industrial units (B1, B2 and B8), lorry and trailer storage/parking along with the associated access on land off Stephenson Avenue Pinchbeck.

2.2 Two accesses are proposed as part of this application. A single access point at the middle of the site frontage was originally proposed, however the applicant now also wishes to apply for an additional access slightly further to the east of this as there are land ownership issues that may impact the other proposed access. Only one of these accesses would ultimately be utilised.

2.3 In terms of the proposed layout, the east of the site would accommodate the proposed industrial units. This application proposes 6 industrial units in total. All units would have vehicle parking provided in close proximity and there would be a cycle storage area at the north-east of the site.

2.4 To the west of the industrial units would be an area for lorry and trailer storage/parking.

2.5 The majority of the site would be surfaced with compacted limestone with the exception of the site entrance (bound surface/material) and the apron surrounding the industrial units (concrete hardstanding). The site would be surrounded by palisade fencing with the site being secured by gates at the entrance.

2.6 The submitted block plan indicates a potential phase 2 development on the western part of the site. This would be subject to a separate application.

3.0 SITE DESCRIPTION

3.1 The site is an area of unused grassland (approx. 0.8ha in size) within an industrial area. Located to the north is the premises of Greenyard Fresh (fresh produce company) and to the east there are existing small industrial units. The Vernatt's Drain is to the south. To the west there is more unused grassland which extends to the end of Stephenson Avenue.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 213 of the NPPF should therefore continue to be given substantial weight in the decision making process.

EC1 - Major Employment Areas - Sites Allocated for Employment Use

SG1 - General Sustainable Development

SG2 - Distribution of Development

SG3 - Settlement Hierarchy

SG11 - Sustainable Urban Drainage Systems (SUDS)

SG14 - Design and Layout of New Development

SG15 - New Development: Facilities for Road Users, Pedestrians and Cyclists

SG17 - Protection of Residential Amenity

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2018

Paragraph 11 - The presumption in favour of sustainable development

Section 6 - Building a strong, competitive economy

Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 LCC Historic Environment Officer

6.2 No archaeological impact.

6.3 LCC Highways/SUDS

6.4 Does not wish to restrict the grant of permission.

6.5 SHDC Environmental Protection

6.6 No objection.

6.7 Anglian Water

6.8 Requests conditions requiring the submission of foul water and surface water drainage strategies.

6.9 Lincolnshire Wildlife Trust

6.10 No ecological appraisal submitted so it is difficult to assess impact on Local Wildlife Site adjacent. Increased lighting levels would be a particular concern.

7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for consideration in this application are:

- Policy
- Design and layout
- Highways/parking
- Residential amenity
- Nature conservation

7.2 Policy

7.3 The site is within the defined settlement limit for Spalding as set out in the South Holland Local Plan (2006) and so development in this location would, in principle, be acceptable. It is also within a Major Employment Area and falls within an area identified as a Major Employment Proposal in the Local Plan.

7.4 Policy EC1 of the Local Plan relates to Major Employment Areas and Major Employment Proposals and states that permission will be granted for employment uses, provided that access and highway considerations are satisfactory and that the amenity of any nearby properties can be adequately protected. The proposed industrial units would fall within the B Use class and the lorry and trailer storage/parking area would be ancillary to the effective functioning of the wider employment area. Highway considerations and residential amenity will be considered in the remainder of the report.

7.5 In terms of national planning policy relating to employment, Section 6 of the NPPF states that 'planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'. Permitting the proposed development would support existing and new local businesses which would make a contribution towards economic growth and productivity.

7.6 Design and layout

7.7 The proposed industrial units would be of very similar design to existing buildings in the vicinity with light grey box profile cladding to the walls and blue trim. The proposed external materials of construction would therefore be acceptable.

7.8 In terms of scale, units A to E would be a total of 30 metres wide and 12 metres in depth. The maximum height of these units would be 7.2 metres. Unit G would be 15 metres wide, 12 metres deep and approx. 7.5 metres in height. The proposed units would be smaller than the existing units to the east as well as most other existing commercial buildings in the area. The site is large enough to accommodate the proposal.

- 7.9 Given this, it is considered that the proposal is in accordance with Policy SG14 of the Local Plan which seeks, amongst other things, to ensure that new development does not have an adverse effect on the character and appearance of the locality. It is also in accordance with Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character.
- 7.10 Highways/parking
- 7.11 Lincolnshire County Council Highways have not objected to the application and so it would not be reasonable to refuse the application on highways grounds.
- 7.12 Residential amenity
- 7.13 Given that the site is located within an existing industrial area and would be some 300m from any residential properties (on the other side of the Vernatt's Drain), it is not considered that the proposal would have a material adverse impact on residential amenity. The Vernatt's Drain would provide sufficient separation distance for there to be no issues of overlooking or the development to be overbearing in nature. The development would also be far enough away such that any lighting should not impact upon the amenity of these residents.
- 7.14 Nature Conservation
- 7.15 The site is located adjacent to the Vernatt's Drain Local Wildlife Site. Lincolnshire Wildlife Trust have commented that because no ecological appraisal has been submitted it is difficult to assess the impact on the Local Wildlife Site. Increased lighting levels would be a particular concern. Conditions will therefore be added requiring the submission of an ecological survey prior to the commencement of development and the submission of details of the proposed lighting scheme prior to its installation. There is other existing development a similar distance from the Vernatt's Drain and so it is not considered that its proximity to the site would represent a significant barrier to development.
- 7.16 Conclusion
- 7.17 Taking the above into account, it is considered that the proposal is in accordance with Policy EC1 of the South Holland Local Plan (2006) as the proposal is acceptable in highway and residential amenity terms. It would also comply with Policies SG1, SG14 and SG17 of the Local Plan (2006), as well as Sections 6 and 12 of the National Planning Policy Framework (2018).

8.0 RECOMMENDATIONS

- 8.1 **Grant permission subject to those conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
1423 101 A;
1423 102 A;
1423 103 A; and
Flood risk assessment (prepared by Roy Lobley Consulting, dated November 2018).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place before an ecological survey, to determine the presence of any protected species on site, has been submitted to and approved in writing by the Local Planning Authority. If protected species are present a working design, method and timetable to mitigate any harm to the species involved shall be submitted to and approved in writing by the local Planning Authority before the development commences.

Reason: In the interest of nature conservation and protected species.
This Condition is imposed in accordance with the Wildlife and Countryside Act, 1981.

4. Prior to its installation, details of the proposed external lighting shall be submitted to and agreed in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of amenity and safety.
This condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

5. No drainage works shall commence until a scheme for on-site foul water drainage works, including connection point and discharge rate has been submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been implemented in accordance with the scheme so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policies SG12 and SG13 of the South Holland Local Plan 2006.

6. No drainage works shall commence until a surface water management strategy has been submitted to, and approved in writing by, the Local Planning Authority. No hardstanding areas shall be constructed until the works have been carried out in accordance with the surface water strategy unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

7. No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first brought into use and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

8. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Roy Loble Consulting, dated November 2018) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the units are first occupied:

- Flood resilient techniques shall be incorporated up to 600mm above ground level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

9. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

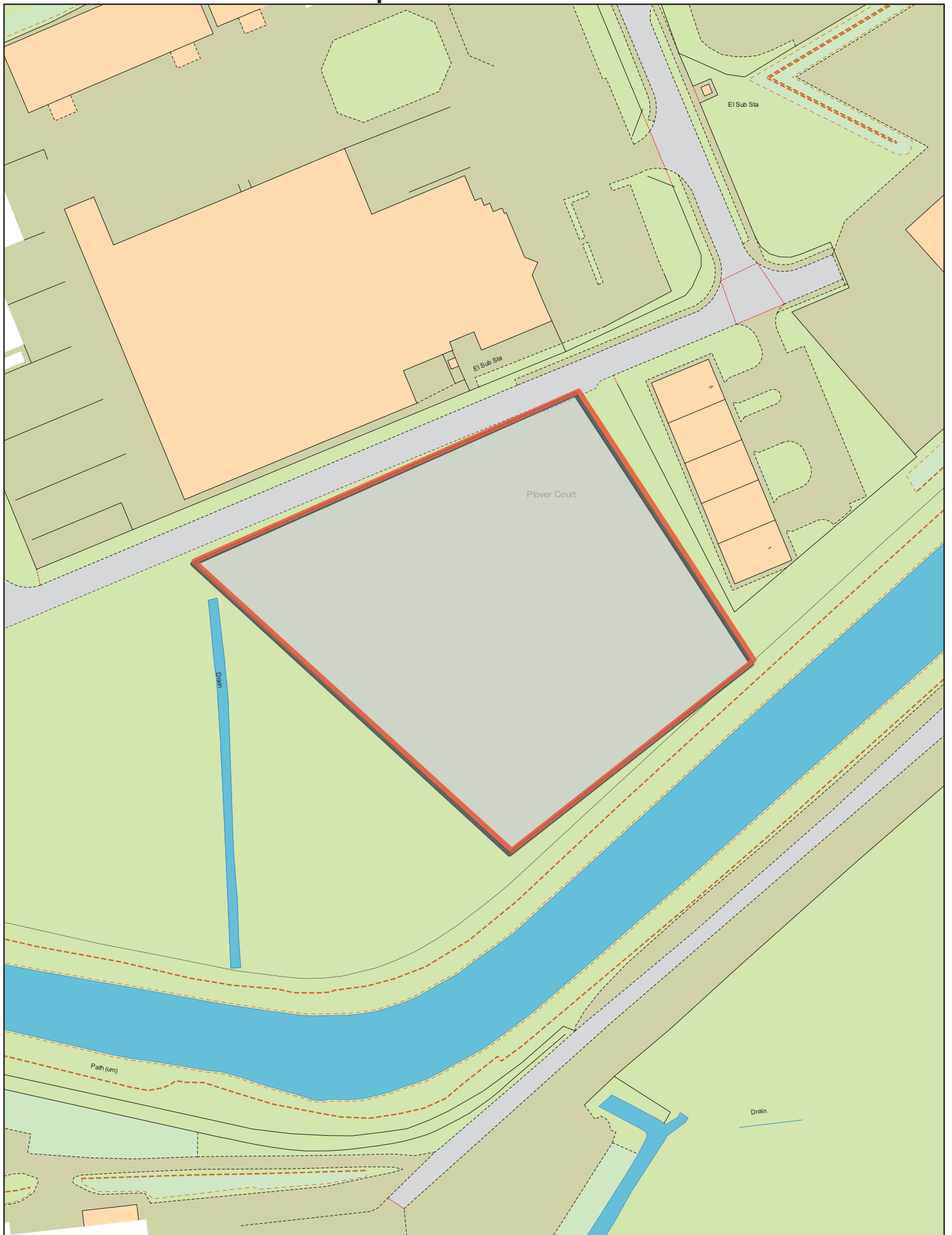
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A



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Agenda Item 7.

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 16 January 2019

(Author: Lucy Buttery - Senior Planning Officer)

Purpose: To consider Planning Application H16-0930-18

Application Number: H16-0930-18

Date Received: 21 September 2018

Application Type: FULL

Description: Change of use to B1, B2 and B8.

Location: 344 BOURNE ROAD PODE HOLE SPALDING

Applicant: M J L Skipmaster

Agent: Remway Design Ltd

Ward: Spalding Monks House

Ward Councillors: Cllr G R Aley
Cllr A M Newton

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0930-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for the change of use of land at the rear of 344 Bourne Road, Spalding to B1, B2 and B8.

2.2 The land would act as an 'overspill' for MJL Skipmaster Ltd, whose premises are located immediately to the east. Skips would be stored at the southern end of the site - This is indicated by the hatched area shown on the submitted plan. The storage area would be constructed from crushed concrete with road planings. Other activities on the land could potentially include fitting lids to containers and fitting signage to containers. This would take place to the rear of the proposed skip storage area. Any power washing required would take place within the power washing bay of the existing site.

2.3 The applicant intends to install an acoustic fence (either 2.4m or 3m in height) to the south of the storage area with gated access to number 344 at the front.

2.4 The applicant has confirmed that they have no intention of this gated access being used as an access for either skips or lorries and that HGV's would continue to use the existing access. The land would be accessed through the existing MJL site.

3.0 SITE DESCRIPTION

3.1 The site is located to the rear of number 344 Bourne Road and is currently laid to grass. There

is a Lincolnshire County Council Highways Depot to the west, with Vernatts Drain to the rear. The existing MJL Skipmaster premises is to the east. There are frontage properties to the south along Bourne Road.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 213 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 - General Sustainable Development
SG13 - Pollution and Contamination
SG14 - Design and Layout of New Development
SG17 - Protection of Residential Amenity
SG4 - Development in the Countryside

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2018

Paragraph 11 - The presumption in favour of sustainable development
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 Ward Councillor

Cllr A M Newton - Present activities are noisy and paint fumes can be smelt by residents. Residents are concerned that moving storage nearer to residential properties fronting Bourne Road will affect peaceful enjoyment of the properties. Application form states that there is not to be a new access but the applicant talks as though there could be. Residents believe information on application form is scant and not fully transparent. It is felt that the company have outgrown the site and should be encouraged/helped to move to a more appropriate location. Residents believe that they have a right of way on the roadway which the hatched area partly covers.

6.2 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.3 SHDC Environmental Protection

No objection. Note the hours of use specified in a previous application (H16-0923-90) and trust that these will apply to the new proposal.

6.4 Public

There has been 1 objection from a member of the public highlighting the following key concerns:

- Increased noise pollution and odour from paint;
- Questions how effective acoustic barriers are;
- Would affect the character of the area;
- Various questions asked re use classifications and transparency of application;
- Proposal infringes on a legal right of way of another party;
- Impact on highways and drainage with vehicles crossing dyke between no. 344 and MJL; and
- Impact on property prices.

7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for consideration in this application are:

- Policy
- Residential amenity
- Impact upon character and appearance of the area
- Highway safety
- Other considerations

7.2 Policy

7.3 The site is located outside of the defined settlement limits of Spalding as set out in the South Holland Local Plan (2006) and is therefore classed as being in the countryside in planning policy terms. However, it is within an area where built development is established and is somewhere where there is a mix of existing businesses as well as residential properties.

7.4 Policy EC3 of the Local Plan relates to existing employment areas/premises. This states that proposals for the expansion of existing employment undertakings will be permitted provided they are acceptable in terms of environmental impact, the level of traffic movement and intrusion into the open countryside. This will be assessed in the remainder of this report.

7.5 In terms of national planning policy relating to employment, Section 6 of the NPPF states that 'planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'. Permitting the proposed development would support the growth needs of an existing local business which is contributing to the local economy.

7.6 Residential amenity

7.7 An objection from a member of the public has raised the concern that the proposal would result in increased noise pollution and odour from paint. This is also echoed by Cllr Newton. However, SHDC Environmental Protection have not objected to the application and have confirmed verbally that no formal noise complaints have been received by the team in the last 10 years in relation to activities taking place on the existing site.

7.8 In terms of the relationship between the proposal and existing residential properties, the skip storage area would be approximately 30 metres from the rear elevation of the nearest residential property, number 346. Number 344 is currently unoccupied and would be sold to MJL Skipmaster as part of the sale of the land. The applicant proposes to install an acoustic fence along the southern end of the skip storage area. SHDC Environmental Protection have commented that there is no certainty how effective it would be, but it certainly would not have an adverse effect. It should also be noted that Lincolnshire County Council's Pode Hole Highways depot is immediately to the west of the site and is an existing noise generating use in close proximity to residential properties. This depot lies to the rear of two residential properties which front on to Bourne Road and there is the access road to the depot in between the two

dwellings. The proposal would be no nearer to the existing residential properties than the Highways depot, which does generate noise and there is the potential for this to occur at unsociable hours. The usual working hours of MJL Skipmaster are 7am - 4:30pm weekdays and any 'industrial' activities such as fitting lids to containers and fitting signage to containers would be further away from residential properties.

- 7.9 Concern has been raised that the existing access between 344 and 346 Bourne Road would be used by HGVs to access the site. However, the applicant has stated that this would not be the case and that all HGV movements would continue to be through the access to the existing site. A condition can be added as a protective measure.
- 7.10 Additionally, the applicant has stated that skips would be moved by all-terrain forklifts which, they state, vibrate less than standard warehouse forklift due to their different tyres. This would help minimise the impact their movement could have.
- 7.11 Overall, taking into account the above and in the absence of a formal objection from SHDC Environmental Protection, it is not considered that there is a defensible reason for refusal on the grounds of residential amenity.
- 7.12 Impact upon character and appearance of the area
- 7.13 The objector also raised the concern that the proposal would affect the character of the area. However, the site is located to the rear of an existing property and the proposed acoustic fence would minimise the visual impact when viewed from Bourne Road. Furthermore, there are existing industrial units on the other side of Bourne Road and the site itself is between the existing premises of MJL Skipmaster and the County Council Highways depot on the other. The proposal would effectively be an expansion of MJL's existing premises and taking into account the above, it is not considered that it would be out of keeping with the existing character of development in the area.
- 7.14 Highways
- 7.15 Concern regarding highway safety has been raised by a member of the public, however County Council Highways have not objected to the proposal. There is therefore no justifiable reason to refuse the application on highways grounds.
- 7.16 Other considerations
- 7.17 The objector has asked various questions regarding use classifications and suggests that the applicant has not been transparent through the application. One particular point made was that the layman would not understand what B1, B2 and B8 means. However, the supporting information does contain further details on the proposal. It is accepted that the submission of supporting information has been somewhat piecemeal, however this has been made publically accessible at all times and reconsultation carried out with residents when necessary.
- 7.18 Concern was raised that the proposal infringes on a legal right of way to the east of 346 Bourne Road. The positioning of the acoustic fence has since been amended to rectify this.
- 7.19 Concerns have also been raised regarding surface water drainage. It was originally proposed that power washing would take place on the site to the rear of the skip storage area, however the applicant has since amended their plans and confirmed that any power washing would take place within the existing power washing bay within the existing site. Furthermore, LCC as Lead Local Flood Authority have not objected to the proposal. It would therefore be unreasonable to refuse the application on the grounds of unacceptable surface water drainage.
- 7.20 Impact on property prices is not a material planning consideration.
- 7.21 Conclusion

7.22 Taking the above into account, it is considered that the proposal is in accordance with Policy EC3 of the South Holland Local Plan (2006) as the proposal is acceptable in environmental, character and highway terms. It would also comply with Policies SG1, SG14 and SG17 of the Local Plan (2006), as well as Sections 6 and 12 of the National Planning Policy Framework (2018).

8.0 RECOMMENDATIONS

8.1 Grant permission subject to those conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
2943/01; and
2943/02 rev A.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the development hereby permitted is first brought into use, a 3 metre high acoustic fence shall be installed as illustrated on drawing number 2943/02 rev A and shall be retained for the lifetime of the development hereby approved.

Reason: In the interests of the residential amenity of nearby properties.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

4. No HGVs shall enter or exit the site using the existing access between 344 and 346 Bourne Road.

Reason: In the interests of the residential amenity of nearby properties.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk



SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 16 January 2019

(Author: Lucy Buttery - Senior Planning Officer)

Purpose: To consider Planning Application H16-1213-18

Application Number: H16-1213-18

Date Received: 05 December 2018

Application Type: FULL

Description: Part Change of Use from B1 to D1

Location: Short Street Depot Unit B Short Street Short Street

Applicant: Mrs J Wheelhouse

Agent:

Mrs Rachael Hunns

Ward: Spalding St Johns

Ward Councillors:

Cllr G K Dark
Cllr J D McLean

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-1213-18>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The agent is an employee of South Holland District Council and the application site is owned by the Council.

2.0 PROPOSAL

2.1 This is a full planning application for a part change of use of Unit B at South Holland District Council's Short Street Depot (Spalding) from Use Class B1 (Business) to Use Class D1 (Non-residential institution).

2.2 The unit was previously occupied by the Council's Construction Services Unit who occupied both the office accommodation and storage facilities. This application seeks permission for a change of use of the office accommodation to D1 for a Family Contact Centre. This is a service that offers safe and supervised contact for children and their birth parents. The storage facility would be retained by the Council.

2.3 The opening hours would be 09:00 to 18:00 Monday to Thursday, 09:00 to 17:00 Fridays and 09:00 to 12:00 Saturdays.

3.0 SITE DESCRIPTION

3.1 Unit B is an industrial type unit which contains both office accommodation and a storage facility. It can be accessed from both Short Street and Victoria Street Car Park (which it is located at the rear of). There are other industrial type units to the south and a builders yard to the rear. There is a new build block of flats to the north which are accessed off Short Street and are almost complete.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 213 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 - General Sustainable Development
SG3 - Settlement Hierarchy
SG14 - Design and Layout of New Development
SG17 - Protection of Residential Amenity

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2018

Paragraph 11 - The presumption in favour of sustainable development
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 None.

6.0 REPRESENTATIONS

6.1 LCC Highways/SUDS

6.2 Does not wish to restrict the grant of permission.

7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for consideration in this application are:

- Policy
- Impact upon residential amenity
- Impact upon character and appearance of the area
- Parking
- Flood Risk

7.2 Policy

7.3 The site is within the defined settlement limit for Spalding as set out in the South Holland Local Plan (2006) and so the proposal would, in principle, be acceptable.

- 7.4 The site does not fall within the Spalding Conservation Area nor is it protected by any town centre development or employment policies in the Local Plan. There would, therefore, be no objections in principle to the loss of an employment use in this location to another use.
- 7.5 Impact upon residential amenity
- 7.6 New residential units are currently being built to the north of the application site off Short Street. Consideration should, therefore, be given to any potential impact the proposed new use might have on the residential amenity of the future occupants of these flats.
- 7.7 The location of the site within the town centre means that generally higher levels of background noise already apply. There is a car park immediately adjacent and a builders yard to the rear which are both existing generators of noise in the immediate vicinity. Furthermore, the proposed new use would likely generate no more noise than the previous use of that part of the building and there should be no privacy issues given how the two buildings relate to one another.
- 7.8 In this context, it is not considered that the proposed new use would have a material adverse impact on the residential amenity of the future occupants of the adjacent flats. The application would, therefore, comply with Local Plan Policy SG17 which seeks to protect residential amenity.
- 7.9 A condition restricting the use of this part of the building solely for a Family Contact Centre is proposed so that any proposed future uses of the building can be assessed by the Council in the interests of residential amenity.
- 7.10 Impact upon character and appearance
- 7.11 The building itself is industrial like in appearance and not the most visually pleasing, however, no external alterations are proposed and so there should be no adverse impact on the character and appearance of the area. It is, therefore, considered that the proposal is in accordance with Policy SG14 of the Local Plan which seeks, amongst other things, to ensure that new development does not have an adverse effect on the character and appearance of the locality.
- 7.12 Parking
- 7.13 The site is centrally located within Spalding Town Centre and so is readily accessible by a range of more sustainable modes of transport (walking, cycling and bus). The proposal would, therefore, be in accordance with Section 9 of the NPPF which seeks to ensure that planning decisions help to promote the use of sustainable modes of transport.
- 7.14 The site is also effectively located within Victoria Street Car Park meaning that there is ample parking available if users of the new service were to travel by car.
- 7.15 Flood Risk
- 7.16 The site is located within Environment Agency Flood Zone 3a and the site is not identified within any hazard zone in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). In the NPPG Flood Risk Vulnerability Classifications, the proposed use is classed as 'less vulnerable' and the compatibility matrix shows that less vulnerable uses are appropriate in Flood Zone 3a. The proposal is therefore acceptable in flood risk terms.
- 7.17 Conclusion
- There have been no objections to the application and, taking the above into account, it is considered that the proposal is in accordance with Policies SG1, SG14 and SG17 of the South Holland Local Plan (2006), as well as Sections 9 and 12 of the National Planning Policy Framework (2018).

8.1 Grant permission subject to those conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan;
Block plan; and
Proposed floor plan (entitled 'Appendix A').

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the premises shall be used only as a family contact centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To ensure that the Local Planning Authority retains control over the future use of the premises/site in the interests of residential amenity.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

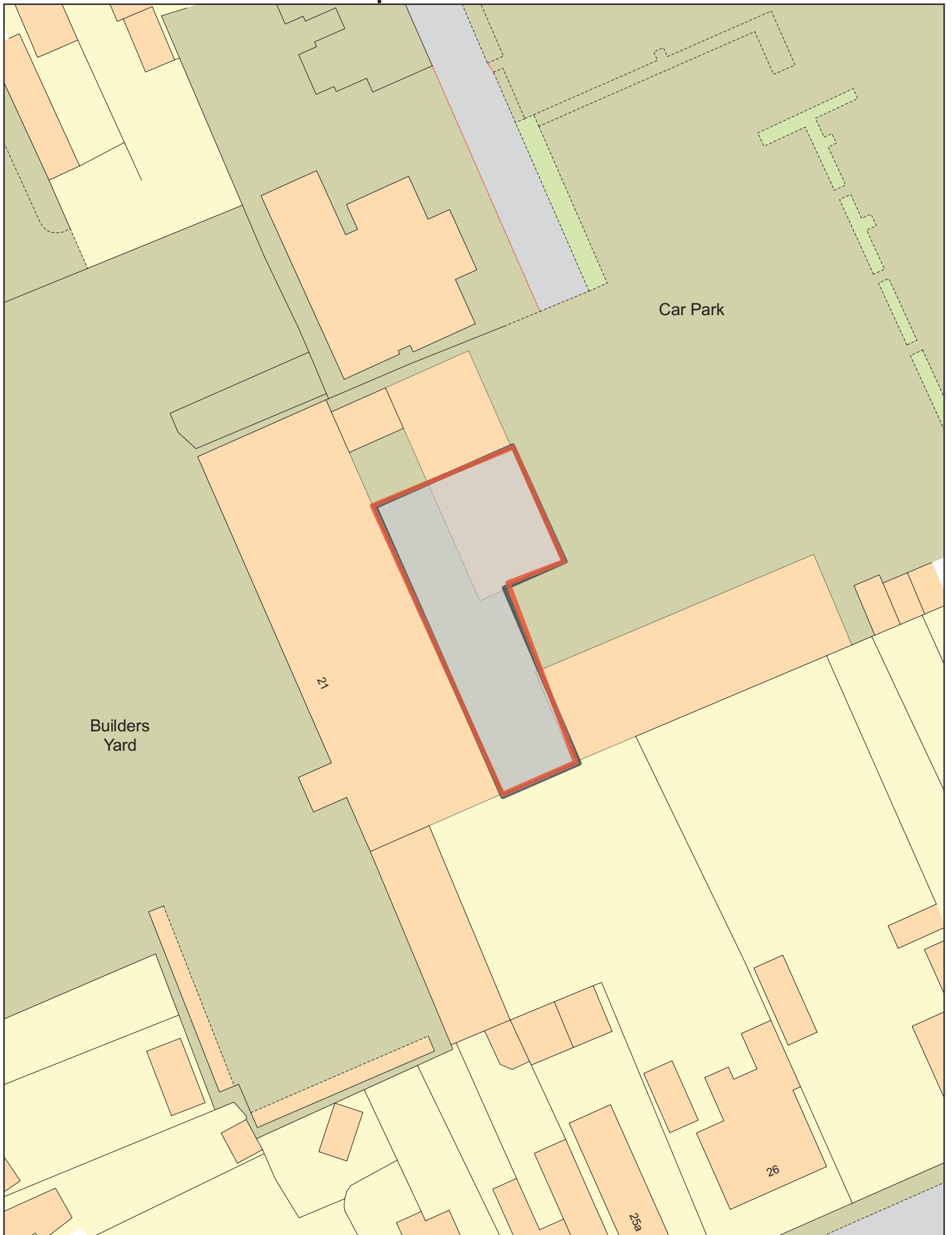
Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A



Builders
Yard

Car Park

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